

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

<b>In re:</b>	)	<b>Chapter 13</b>
	)	
<b>KIMBERLY M.H. BOLDEN,</b>	)	<b>Case No. 16-30459</b>
	)	
<b>Debtor.</b>	)	<b>Hon. Judge SCHMETTERER</b>

**NOTICE OF OBJECTION TO U.S. BANK TRUST NATIONAL ASSOCIATION AS  
TRUSTEE OF THE CABANA SERIES IV TRUST'S MOTION TO COMPEL**

*To the following persons or entities who have been served via electronic notice through ECF:*  
U.S. Bankruptcy Trustee: [USTPRegion11.ES.ECF@usdoj.gov](mailto:USTPRegion11.ES.ECF@usdoj.gov)  
Tom Vaughn, Chapter 13 Trustee: [ecf@tvch13.net](mailto:ecf@tvch13.net)

*To the following person who have been served via U.S. Mail:*  
Kimberly M.H. Bolden  
1929 N. Howe Street, Unit #1E  
Chicago, IL 60614

Respectfully Submitted,

/s/ Michael R. Colter, II  
Michael R. Colter, II, ARDC #6304675  
David M. Siegel & Associates, LLC  
790 Chaddick Drive  
Wheeling, Illinois 60090  
(847) 520-8100  
[mcolter@davidmsiegel.com](mailto:mcolter@davidmsiegel.com)

**CERTIFICATE OF SERVICE**

The undersigned certifies that copies of this Notice and attachments were served to the listed persons or entities, if service by mail was indicated above, by depositing same in the U.S. Mail at Wheeling, Illinois 60090, on or before August 26, 2020, at 5:30 p.m., with proper postage prepaid, unless a copy was provided electronically by the Bankruptcy Court.

/s/ Michael R. Colter, II  
Michael R. Colter, II ARDC #6304675

Attorney for the Debtor(s)  
DAVID M. SIEGEL & ASSOCIATES  
790 Chaddick Drive  
Wheeling, IL 60090  
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**OBJECTION TO U.S. BANK TRUST NATIONAL ASSOCIATION'S, AS TRSUTEE OF  
THE CABANA SERIES IV TRUST, MOTION TO COMPEL**

NOW COMES the Debtor, **Kimberly M. H. Bolden**, by and through her attorneys, DAVID M. SIEGEL & ASSOCIATES, LLC, to present her Objection to U.S. Bank N.A.'s Motion to Compel and in support thereof states as follows:

1. This Court has jurisdiction pursuant to 28 U.S.C. § 1334 and Internal Operating Procedure 15(a) of the United States District Court for the Northern District of Illinois, Eastern Division.
2. Debtor filed for relief under Chapter 13 on September 26, 2016. Tom Vaughn was appointed trustee in this case.
3. Wilmington Savings Fund Society (Wilmington) filed an objection to confirmation of the modified plan on November 17, 2016. In paragraph three of the objection, Wilmington's objection stated that the pre-petition arrearage was \$98,568.50. (See document #17.)
4. On November 28, 2016, Debtor filed an amended plan to address Wilmington's objection and added arrears of \$98,568.50 to section E.5. of the plan. (See document #19.)
5. On December 7, 2016, Wilmington filed a notice of withdrawal of their objection to confirmation of the plan. (See document #21.)
6. Wilmington filed a proof of claim on February 7, 2017, stating the arrears were \$0.00. (See Claim 6-1.)

7. The plan was confirmed on June 21, 2017. (See document #50.)
8. The language in E.5. of the Plan allows the mortgage company to consent to receive less. It is the Debtor's position that Wilmington consented to receive \$0.00 by filing a claim listing the amount of arrears as \$0.00.
9. Additionally, the stay was modified as to the condo owner's association on November 15, 2017. (See document #59.) Therefore, no payments should have been made to either Wilmington and its successors and assigns or to the condo association.

WHEREFORE, pursuant to 11 U.S.C. § 3007, the Debtor, **Kimberly M. H. Bolden**, respectfully requests this honorable Court enter an order denying U.S. Bank N.A.'s Motion to Compel and for such other and further relief as the Court shall deem proper.

Respectfully Submitted,

/s/ Michael R. Colter, II  
Michael R. Colter, II, ARDC #6304675

DAVID M. SIEGEL & ASSOCIATES  
Attorneys for Debtor(s)  
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